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Patent
Attorney Docket No. 003300-743



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: Mail Stop Appeal Brief - Patents

In re Patent Application of

Magnus Nilsson

Application No.: 09/780,504

Filing Date: February 12, 2001

Title: A METHOD AND A SYSTEM FOR AUTOMATED BOOKEEPING

Group Art Unit: 3627

Examiner: JAMES S MCCLELLAN

Confirmation No.: 7099

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

☐ A Petition for Extension of Time is also enclosed.

☐ Terminal Disclaimer(s) and the ☐ \$65.00 (2814) ☐ \$130.00 (1814) fee per
Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.

☒ Also enclosed is/are a Reply Brief

☐ Small entity status is hereby claimed.

☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the
☐ \$395.00 (2801) ☐ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

☐ Applicant(s) requests that any previously unentered after final amendments not be entered.
Continued examination is requested based on the enclosed documents identified above.

☐ Applicant(s) previously submitted _____

on _____,
for which continued examination is requested.

☐ Applicant(s) requests suspension of action by the Office until at least _____,
which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R.
§ 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also
enclosed.

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims		MINUS =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to Deposit Account No. 02-4800.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.

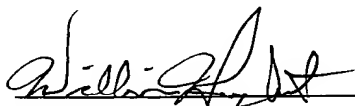
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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Date: March 14, 2005

By 
William N. Hughes
Registration No. 44,481



Patent
Attorney Docket No.: 003300-743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:)	
)	
Magnus NILSSON)	
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Application No.: 09/780,504)	Group: 3627
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Filed: February 12, 2001)	Examiner: J. McClellan
)	Conf No.: 7099
Title: A METHOD AND A SYSTEM)	
FOR AUTOMATED)	
BOOKKEEPING)	

REPLY BRIEF FOR APPELLANT

Attn: Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Notice of Appeal filed September 2, 2004 and the Appeal Brief filed November 1, 2004, Applicant files herein this Reply Brief. This Reply Brief is in response to an Examiner's Answer dated January 12, 2005. The January 12, 2005 Examiner's Answer provided a two month period for filing a Reply Brief set to expire March 12, 2005. March 12, 2005 falls on a Saturday, so the present Reply Brief is timely filed on Monday, March 14, 2005. While it is believed that no fees are required in connection with the filing of this Reply Brief, the Commissioner is hereby authorized to charge any appropriate fees that may be required by this paper to Deposit Account No. 02-4800.

Grouping of Claims

In item (7), on page 2 of the Examiner's Answer, the Examiner asserts that claims 1 - 20 stand or fall together pursuant to 37 CFR § 1.192(c)(7). The Applicant respectfully disagrees, noting that 37 CFR § 1.192 was removed from the Code of Federal Regulations effective September 13, 2004, approximately two months before the filing of the Appeal

Brief in the present appeal. Provisions relating to the grouping of claims now appear under 37 CFR 41.37, wherein:

“For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group. When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.”

Independent claim 1 has been argued separately in the Appeal Brief under section VII(A)(1). Similarly, independent claim 9 has been argued separately under section VII(A)(2). Finally, dependent claims 2 - 8 and 10 - 20 have been argued as a group under section VII(A)(3). Accordingly, pursuant to rule 41.37, the Board may select a single claim from the group of claims 2 - 8 and 10 - 20 for purposes of deciding the appeal of claims 2 - 8 and 10 - 20.

Grounds of Rejection

The Applicant notes that the Examiner's Answer, in item (10) on page 3, has correctly characterized the Boublik et al. document as a US Patent Publication instead of being a US Patent Application, as stated in the Appeal Brief.

Response to Argument

The Examiner's Answer, in item (11) on pages 3 - 5, presents several arguments traversing the arguments presented in the Appeal Brief. The Applicant replies as follows:

Office Actions, Responses, Appeal Briefs, and Examiner's Answers occasionally lose sight of the issue at hand: -- is the invention, as claimed, patentable over the prior art of

record? Here, independent claims 1 and 9 recite a server having a banking service application and an account service application, wherein data is received at the server for use in the banking service application for conducting a transaction and in the account service application for updating a book-keeping database. Boublik et al., notwithstanding the images of Fig. 9, which is not described in the specification of Boublik et al., simply does not disclose the automated, combined banking service/account service application recited in claim 1. Instead, Boublik et al. is directed to an online purchasing system, wherein purchasing information can be captured for future downloads and analysis, including being imported into an accounting application (Boublik et al. at ¶ 0032, 0050, 0060).

While Fig. 9 of Boublik et al. discloses “Banking Partners,” it does so only in the context of partners communicating across a firewalled network configuration. There is no reference anywhere in the Boublik et al. document that data is received at the server, wherein the data represents instructions for at least one transaction, and the data is used in a banking service application for conducting the transaction, as recited in claim 1. In fact, Boublik et al. fails to disclose any banking service application. The Examiner’s Answer attempts to overcome this deficiency in Boublik et al. by asserting on page 3 of the Answer that the Applicant has failed to provide an express definition for the term “banking service application.” Then, the Examiner reverses himself by citing to the definition of banking service application on page 6 of the specification. Regardless of this contradictory position, the term “banking service application” is fully supported in the claims and the specification, as evidenced at the very least by the lack of any 35 USC § 112(1) or (2) rejection in the present application. Furthermore, given the clear language of the claims and the specification, there is no ambiguity regarding the claimed banking service application. *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (CAFC 1996) (“First, we look to the words of the claims themselves . . . to define the scope of the patented invention.”); *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (CAFC 1995) (while the claims define the invention, the specification provides context by “explain[ing] the invention” and “may act as a sort of dictionary . . . [when the patentee clearly] define[s] terms used in the claims.”). Accordingly, there is no need to rewrite the claims, in the manner suggested by the Examiner’s Answer, according to Webster’s definition of what might constitute a “bank.”

Even assuming that a dictionary definition of a “bank” is relevant to the recited features of claim 1, the Answer has provided no support for the leaps of logic presented on

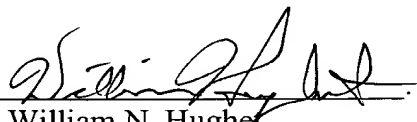
page 4 of the Answer which concludes that the online buying transaction of Boublik et al. is analogous to Applicant's banking service application. Further, contrary to the assertions of the Examiner's Answer, there is no relationship disclosed in Boublik et al. between the unexplained physical network architecture of Fig. 9 and the transmission of any funds. In fact, Boublik et al. is completely silent regarding the handling, exchange, or transmission of any money or funds whatsoever. Instead, Boublik et al. is directed to the collection, conversion, and downloading of buying transaction information into an accounting application (Boublik et al. at ¶ 0032, 0050, 0052, 0060). Therefore, even using the Answer's view of a "bank," Boublik et al. fails to disclose any bank or any bank processing funds, much less a bank service application as recited in claim 1.

As regards the value-added tax recited in claims 5 and 12, the Examiner's Answer, on page 5, equates the value-added tax of claims 5 and 12 to the sales tax of a transaction at the retail level of the supply chain. However, Boublik et al., unlike the present application, is completely silent regarding any tax whatsoever. Further, the Answer, on page 4, has equated Boublik et al. as disclosing a banking service application, but now, on page 5, characterizes Boublik et al. to be "the retail level of the supply chain . . . disclos[ing] value-add[ed] tax." Once again, there is absolutely no support for the leap of logic that is required to evolve from a sales tax on a purchasing transaction to "account data comprises information of value-added tax" as recited in claims 5 and 12, especially when Boublik et al. is silent on any type of tax whatsoever.

Conclusion

In summary, the Applicant respectfully submits that the Examiner has failed to show where the Boublik et al. reference cited under 35 USC § 102(e) anticipates each of the features recited in claims 1 - 20. More specifically, the Examiner has not shown how or where the prior art teaches or suggests all the claimed limitations. Accordingly, the Applicant respectfully requests the rejection of claims 1 - 20 be reversed.

Respectfully submitted,
Burns, Doane, Swecker & Mathis, L.L.P.

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Date: March 14, 2005